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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,763	12/12/2003	Kevin Neil Kim	MFCP.108795	8725

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EXAMINER
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BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/733,763

Applicant(s)

KIRN ET AL.

Examiner

X L Bautista

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings are required in this application because they contain informal drawings (figures 2-4); some figures are too dark and others include shading and/or very small font, which makes the drawings' elements, labels and details difficult to see, read and understand. Correction is required.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 12 is objected to because of the following informalities: "...system according to claim 12" (line 1) should be changed to --system according to claim 11--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA)

and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**4. Claims 1-4, 6-8, 10, 13-16, 18-21, 23-25, 28-35, 37, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by *Busey et al* (US 6,785,708 B1).**

Claims 1, 13, 18 and 28:

Busey discloses a real time chat server that maintains and synchronizes the browse and chat functions. Multiple users' browsers may be connected into one distributed chat/HTTP server and all the users are able to fully interact with one another in a coordinated manner via type-written messages, HTML web documents, and file transfers (abstract; col. 2, lines 21-44). The method and apparatus comprises a markup language and Busey teaches that a markup language is any language that enables document formats to be defined. The most popular markup language in use on the Web is HTML, which supports embedded hyperlinks, file types for text and embedded graphics, video and audio (media), (col. 3, lines 27-56). Busey teaches a media viewer, communicating with the messaging client, that presents the shared media objects under control of the users (col. 6, lines 33-50; col. 7, lines 1-67; col. 8, lines 1-39; figs. 4A-4J).

Claims 2, 19, and 33:

See claim 1. Busey teaches a process for real time conferencing across the Internet (col. 3, lines 3-6).

Claims 3, 20, and 34:

Busey teaches a mutually viewed message window presenting typed messages (col. 7, lines 1-67; col. 8, lines 1-39; figs. 4A-4J).

Claims 4, 21, and 35:

Busey teaches shared media objects such as graphical images (banners, etc), (col. 8, lines 9-39).

Claims 6, 23, and 37:

Busey teaches a user interface that enables users to maintain control of the media viewer (figs. 1-4J).

Claims 7, 24 and 32:

See claim 1. Busey teaches a selector tool for presenting media objects to select for mutual viewing by the others (figs. 1-4J).

Claims 8, 25, and 38:

See claim 1. Busey teaches a media viewer that is integrated with the messaging client (computer is fixed installation).

Claim 10:

Busey teaches media objects such as video and audio, (col. 3, lines 27-56).

Claims 14 and 29:

Busey teaches that users are able to interact with one another. Users may independently select a shared media object to view in the media viewer (col. 7, line 17-col. 8, line 38).

Claims 15 and 30:

Busey teaches that the chat server synchronizes the browse and chat functions (col. 6, lines 33-

50).

Claims 16 and 31:

Busey teaches selectively loading media objects in the set of shared media objects (col. 3, lines 3-67; col. 4, lines 1-35; figs. 4A-4J).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 5, 9, 17, 22, 26, 36, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busey and Parker et al (US 2003/0074404 A1).**

Claims 5, 17, 22, and 36:

Busey does not teach shared media object such as digital photographs. However, Parker discloses a method for sharing still images between multiple computers connected to an internetwork. Parker teaches that once a data call is in place, a conversation is initiated and still images such as a slideshow of personal photographs are shared between the computers. Both users can pause, navigate through, or change the display parameters of the slideshow as it is being viewed by both users (abstract; p.2, pp.0015; p.4, pp.0039-00040).

Claims 9, 26, and 39:

Parker teaches that computers 10 and 11 (fig. 2) may be mobile devices (laptop computer and

cellular phone); the media viewer is separate from the messaging client (p. 2, pp. 0028).

7. **Claims 11, 12, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Busey* and *Helmick et al* (US 6,674,992 B2).**

Claims 11, 12, and 27:

Busey teaches text and embedded graphics but it does not teach an annotation object that can be presented via the media viewer. However, Helmick discloses an on-line educational system including document sharing and electronic journal features. Helmick teaches that users can electronically share documents with other users and can also include a message along with the shared documents. Users can also enter information into an electronic journal and a notebook (abstract; col. 17, lines 35-44). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to include Helmick's teaching of an annotation object in Busey's chat interface because it enables users to enter notes related the shared image or document to share points of view or just to communicate relevant information.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

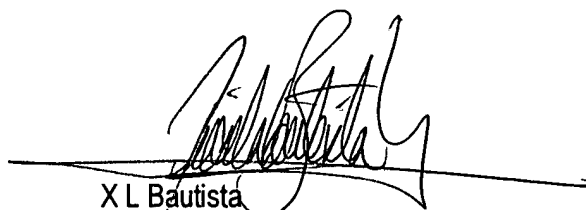
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

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Heather Herndon can be reached on (757) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista  
Primary Examiner  
Art Unit 2179

xlb  
24 November 2004